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A License for Slander

(Washington Post)

THE Central Intelligence Agency is currently engaged in an attempt to deny any means of redress to a man whose character it has ruthlessly assassinated. By an open admission of its deputy director, a CIA operative named Juri Raus was instructed to defame an Estonian, Eerik Heine, active in the Estonian community in the United States, by bruiting it about that Heine was a covert Soviet agent.

Heine sued for slander. Raus does not deny that he made the offending statements. At the same time he makes no effort to defend them as truthful. He merely submits to the court a CIA assertion that he said what he said on instructions from his superiors, that what he said is therefore privileged and that Heine's suit ought to be dismissed on these grounds.

Absolute Privilege

The law is probably on the side of the CIA. In 1959, the Supreme Court decided, by 5 to 4, a case, Barr v. Matteo, holding that two subordinate officials of the Office of Rent Stabilization had an absolute privilege against a suit for libel based upon a press release they had issued.

Chief Justice Earl Warren a dissenting opinion, said phetically and, we think, gether soundly that the de would have the "effect of deterring the desirable public discussion of all aspects of our government and the conduct of its officials. It will sanctify the powerful and silence debate. This is a much more serious danger than the possibility that a government official might occasionally be called upon to defend his actions and to respond in damages for a malicious defamation."

We make no judgment as to the merits of the controversy between Raus and Heine. But we think it intolerable that government officials should hold an unlimited license for slander.

What Was CIA Doing?

If, as the CIA asserts, "it would be contrary to the security interests of the United States" to release the information relevant to Raus's defense, then the CIA ought to indemnify Heine for the injury done to him. The United States has other interests than security; it has an interest in justice and in the integrity of its courts.

We think that a federal judge ought to have the power to say to the CIA what Judge Albert Reeves said to the FBI when that agency tried to withhold relevant information in the trial of Judith Coplon in 1949: "If it turns out that the government has come into court exposing itself, then it will have to take the peril. If it embarrasses the government to disclose relevant material, then the government ought not to be here."

This case raises some other vital questions. What on earth is the CIA doing trying to manipulate the affairs of the Estonian community in the United States? This kind of interference in the political actions of foreign nationality groups amounts, in our judgment, to a most dangerous sort of subversion, a pollution of one of the main currents of American political life. The CIA ought to be excluded absolutely from involvement in domestic affairs.